

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIAM STRALEY	:	CIVIL ACTION
	:	
v.	:	NO. 02-CV-4966 (ER)
	:	
WEEKS MARINE, INC.	:	

DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT

Defendant, Weeks Marine, Inc., by and through its attorneys, Donna Adelsberger & Associates, P.C., hereby opposes Plaintiff's Motion for Entry of Default, and answers Plaintiff's Motion as follows:

1. Denied as stated. It is admitted only that Plaintiff was allegedly injured while serving as a seaman on Defendant's vessels.
2. Denied as stated. It is denied that the Complaint was properly served upon Defendant. It is admitted only that Defendant did receive a copy of the Complaint in August, 2002.
3. It is admitted only that the docket entries for this case indicate that a return of service was filed on August 15, 2002.
4. Denied. Defendant filed an Entry of Appearance and Motion to Dismiss Plaintiff's Complaint on October 10, 2002, and a copy of both filings was served upon Plaintiff's counsel seven days prior to the filing of Plaintiff's Motion for Entry of Default.
5. Denied as a conclusion of law.
6. Denied as a conclusion of law.

7. Denied. It is averred to the contrary that counsel has violated Rule 11 insofar as he knowingly filed for Default on the same day that he filed his Memorandum of Law in Opposition to Plaintiff's Motion to Dismiss in this action. Plaintiff's counsel obviously had actual knowledge of the responsive pleading filed by Weeks Marine when he filed the Motion for Default. (See Docket entries attached hereto as Exhibit "A".)

WHEREFORE, Defendant, Weeks Marine, Inc., respectfully requests that Plaintiff's Motion for Entry of Default must be denied.

Respectfully submitted,

DONNA ADELSBERGER & ASSOCIATES, P.C.

BY: _____
Mary Elisa Reeves, Esquire
Attorney I.D. #44194
6 Royal Avenue
P.O. Box 530
Glenside, PA 19038
(215) 576-8690
Attorney for Defendant,
Weeks Marine, Inc.

DATED: October 25, 2002

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

WILLIAM L. STRALEY

v.

WEEKS MARINE, INC.

:
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:
:
:

CIVIL ACTION

NO. 02-CV-4966 (ER)

ORDER

AND NOW, this _____ day of _____, 2002, in
consideration of Plaintiff's Motion for Entry of Default and Defendant's Opposition
thereto, it is hereby ORDERED and DECREED that said Motion is denied.

J.

CERTIFICATE OF SERVICE

I, Mary Elisa Reeves, Esquire, hereby certify that on the date set forth below ,
I gave a copy of Defendant's Response to Plaintiff's Motion for Entry of Default, via
First Class Mail, postage prepaide, to the follow ing counsel:

Marvin I. Barish, Esquire
Marvin I. Barish Law Offices, P.C.
Three Parkway, 13th Floor
1601 Cherry Street
Philadelphia, PA 19102

Mary Elisa Reeves, Esquire

DATE: October 25, 2002